

REMARKS

Claims 1-4, 7-21, and 24-26 are currently pending. Applicants note that pursuant to a telephone call with the Examiner on September 2, 2008, the Examiner mistakenly rejected claims 18-20 and allowed claims 21 and 24-26. Instead, the Examiner indicated that claims 18-20 are allowable and claims 21 and 24-26 are rejected. Applicants thank the Examiner for the indication that claims 1-4 and 7-20 are allowable. Applicants respectfully request entry of the amendment submitted herein as it will put the application in condition for allowance.

Claim Amendments

Applicants amend claim 21 in accordance with the Examiner's suggestion by adding the word "projecting" before "mating element." No new matter is added.

Claim Rejections

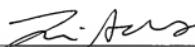
Claims 21 and 24-26 are rejected pursuant to 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,676,666 of Oxland et al. ("Oxland"). Independent claim 21 requires a spinal fixation kit having a guide member with at least one projecting mating element located between first and second barrels that engages at least a portion of a spinal fixation plate. As discussed in the Examiner interview of April 3, 2008, Oxland fails to teach or suggest a guide member with a *projecting* mating element located between first and second barrels that engages at least a portion of a spinal plate. Accordingly, claim 21 as well as claim 24-26 which depend therefrom, distinguish over Oxland and represent allowable subject matter.

CONCLUSION

Accordingly, all claims are in condition for allowance and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

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